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December 11, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: **Notice of Ex Parte Meeting** CC Docket Nos. 01-338, 96-98, 98-147

Dear Ms. Dortch:

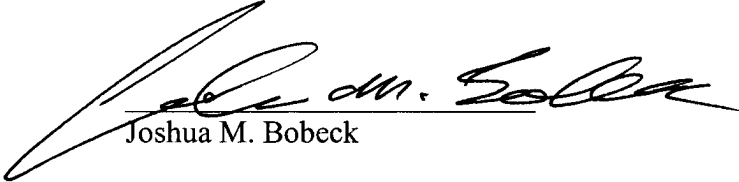
Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this will provide notice that on December 10, 2003, Neil Flynn, President of FPL FiberNet ("FiberNet"); Jonathan Lee of the CompTel/ASCENT Alliance; Russell M. Blau of Swidler Berlin Shereff Friedman, LLP, and the undersigned met with Matthew Brill, Legal Advisor to Commissioner Abernathy, to discuss regulatory issues relating to the above-referenced dockets. Consistent with the Commission's rules, FiberNet is electronically filing an this notice with the Office of the Secretary and attaching a copy of the PowerPoint presentation provided to the participants in the meeting.

FiberNet discussed its concerns regarding the petition filed by BellSouth requesting reconsideration of the Commission's Triennial Review Order regarding the unbundling of dark fiber. In particular, FiberNet stressed that it opposed BellSouth's petitions because although FiberNet has deployed fiber to reach a significant percentage of the market in Florida, it still requires access to ILEC dark fiber to expand its network to reach customers in locations where constructing its own fiber is not economically justifiable or efficient.

Further, FiberNet explained the difficulty it has accessing customers that BellSouth serves from its fiber fed remote terminals. Although FiberNet would prefer to deploy its own fiber to serve such customers it cannot justify such investment because the cost to duplicate BellSouth's fiber feeder is not economically justifiable.

Marlene H. Dortch
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Sincerely,



Joshua M. Bobeck

Counsel for FPL FiberNet, LLC

Enclosure

cc: Matthew Brill
Jonathan Lee
Russell M. Blau

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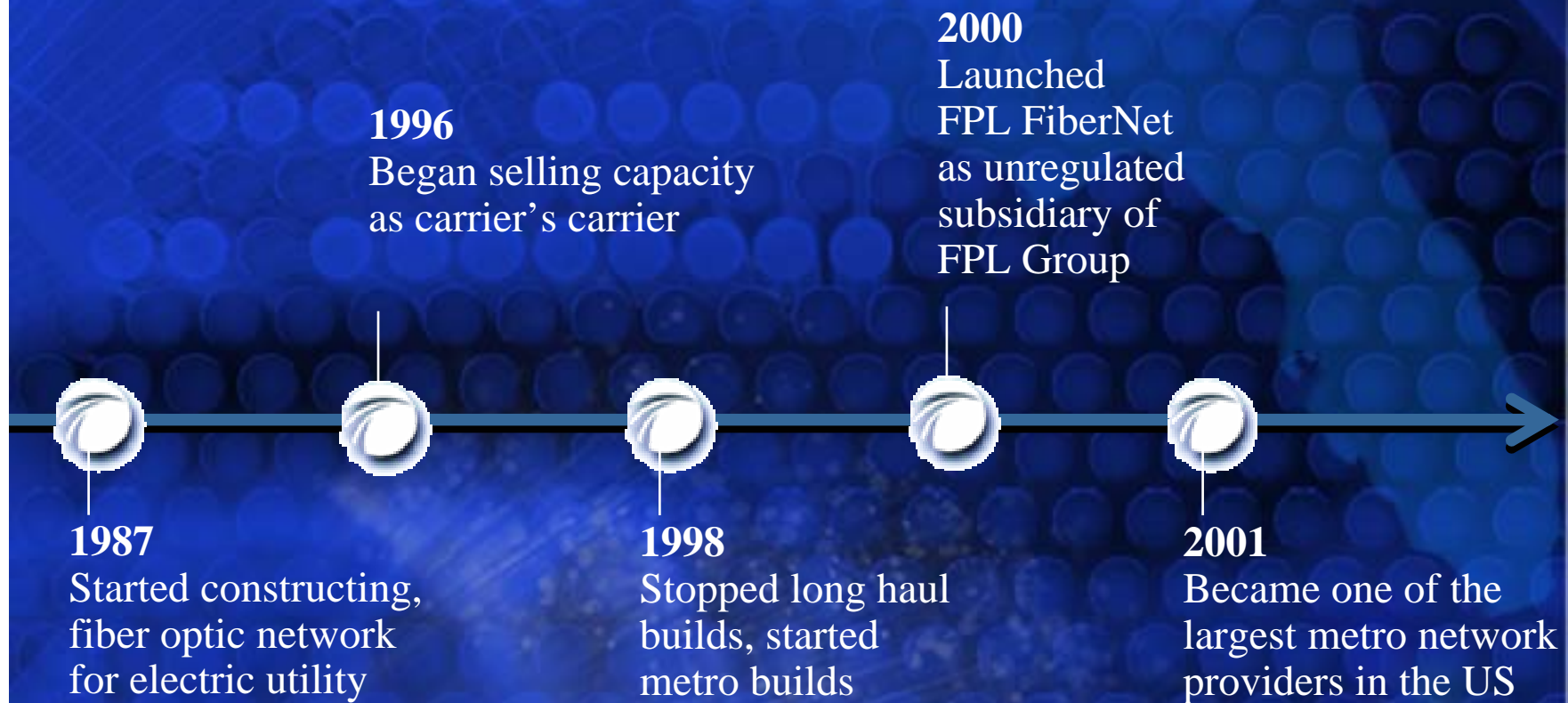
FPL
FiberNet

CONNECTING
at the SPEED
of LIGHT

WHO IS FPL FIBERNET?

- Subsidiary of FPL Group, an \$8B company
- CLEC with 120 employees
- Wholesale carrier since 1996, providing dark fiber and bandwidth/capacity
- Customers include almost all of the major telcos in Florida
- Providing telecom solutions in the major Florida metros
- Connect major metros and 2nd and 3rd tier cities with long-haul network
- Invested \$350M in fiber/optical infrastructure

A POWERFUL STORY



“of utilities building metropolitan networks ...FPL FiberNet has been arguably the most successful” -- Fred Koerner, UTC Journal

OUR VALUE PROPOSITION

- Network reach

- On-net central offices have almost as many Florida access lines as BellSouth and more than Sprint and Verizon

- Reliability

- Financial stability and network built to highest standards - and we commit to SLAs

- Price

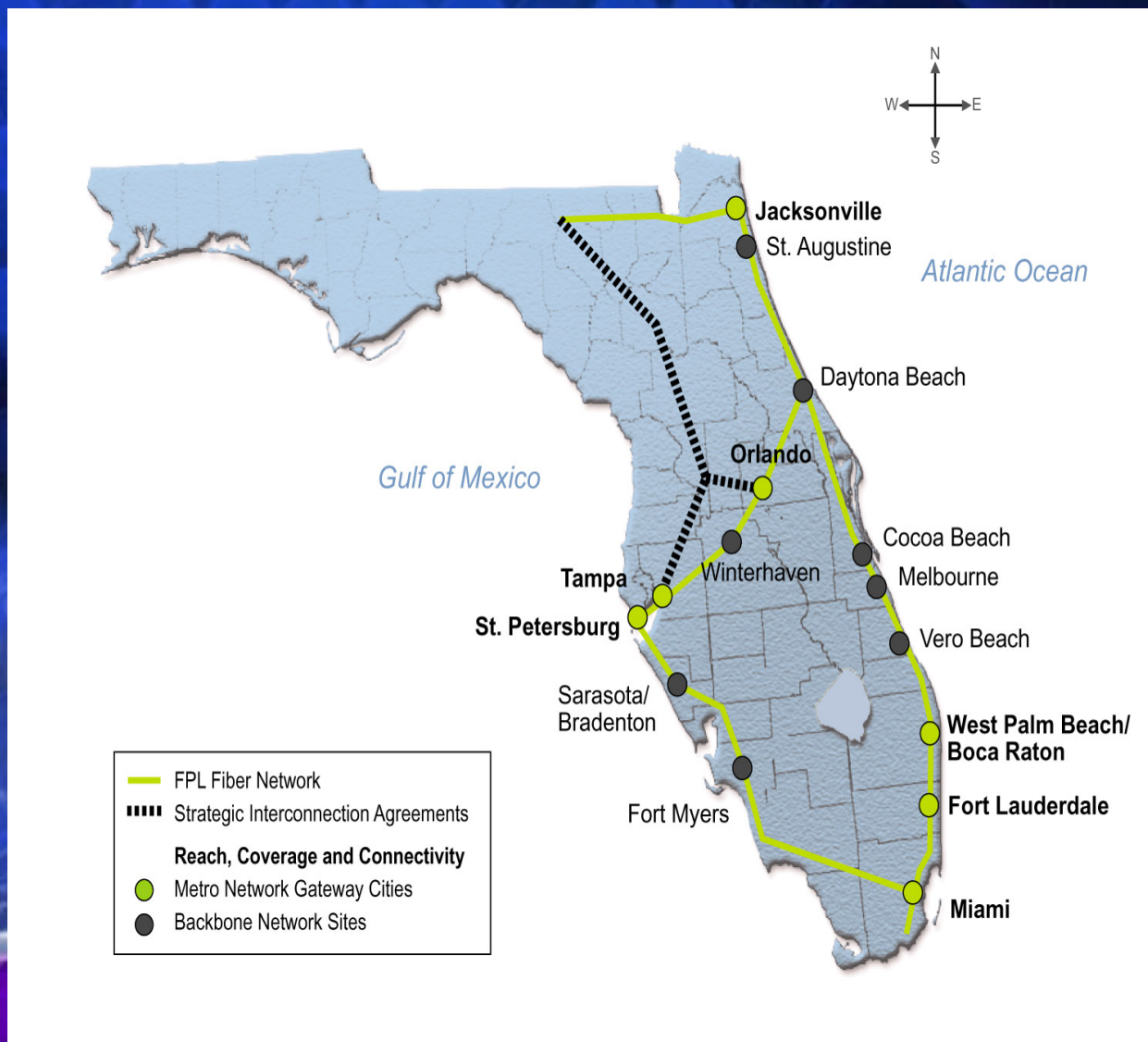
- Competitive alternative to ILEC

- Flexibility

- Payments and products (such as our “Virtual DS3” product) tailored to customer requirements

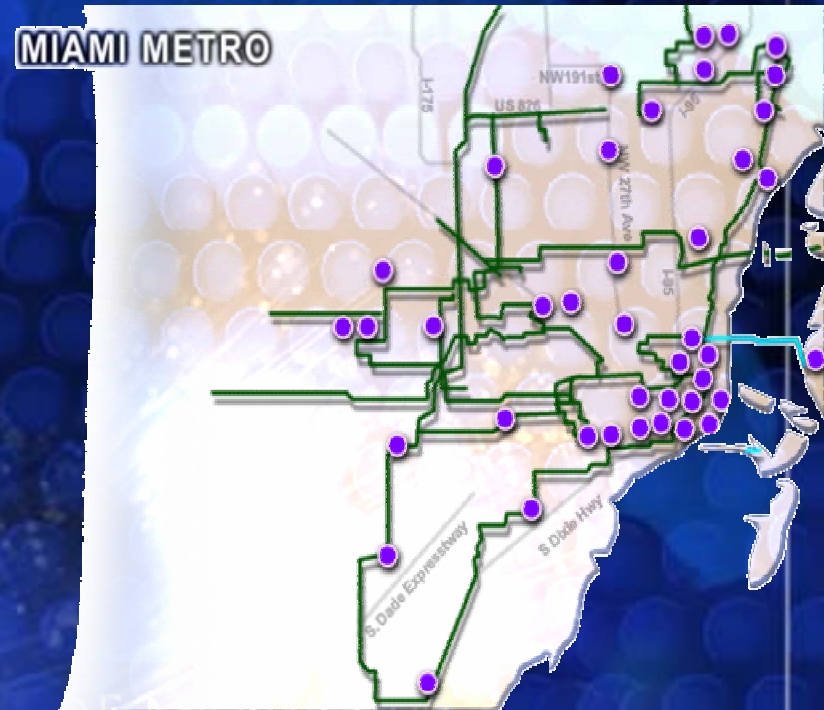
NETWORK REACH – LONG-HAUL

- 1,600 route-miles, connecting major Florida metros, as well as 2nd and 3rd Tier cities
- Through interconnection agreements, provide connectivity throughout the southeast



NETWORK REACH – METROS

- 900 route-miles in Florida's major metro markets
- Span territories of the 3 major ILECs in Florida
- Connect the major carrier hotels and cable heads in Florida
- Unlike other wholesale carriers in Fla., we also reach 115 central offices
- Miami, Ft. Lauderdale, Boca, West Palm Beach, Tampa, St. Petersburg, Orlando, and Jacksonville

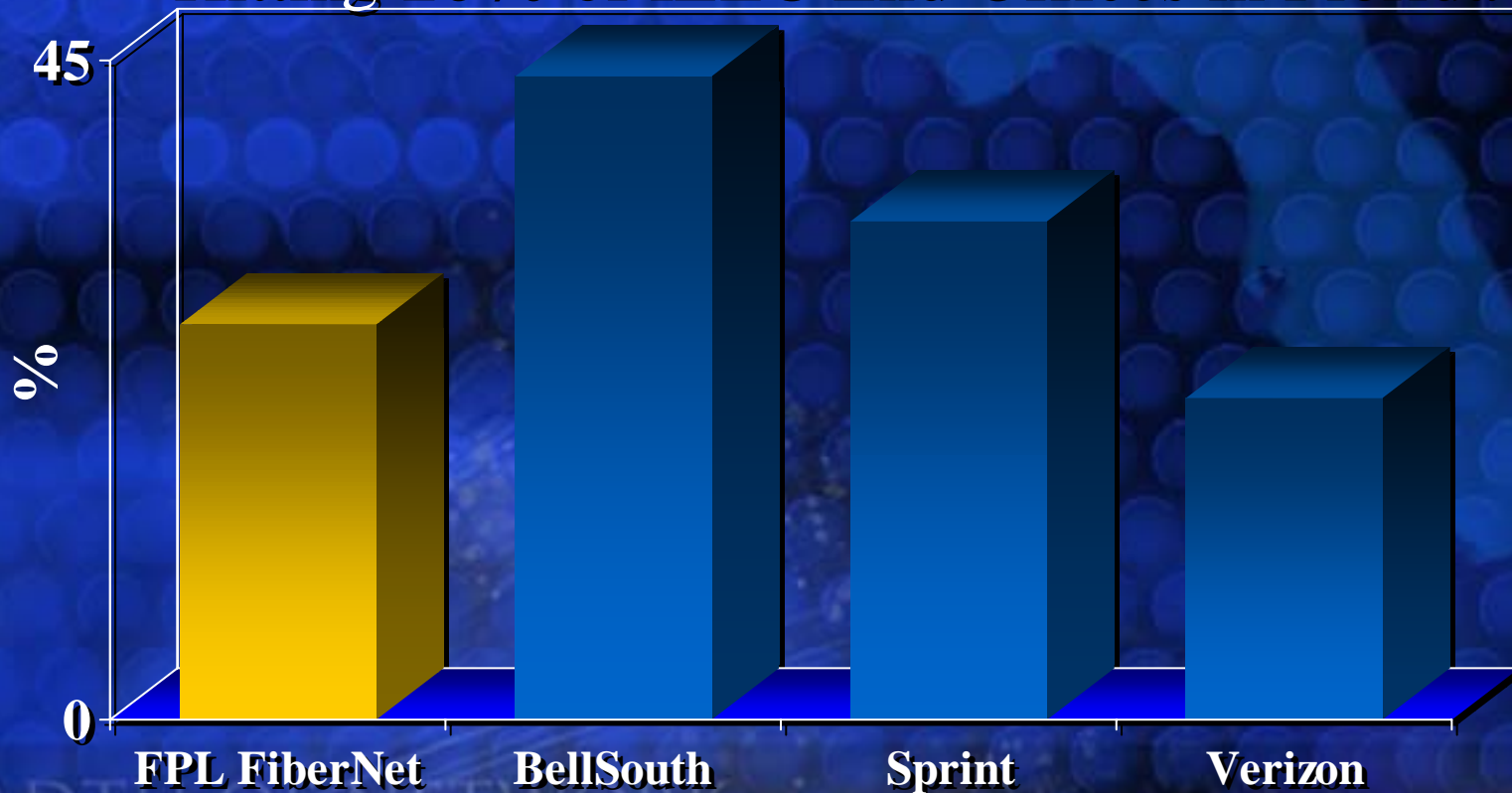


THE VALUE OF OUR NETWORK

End Office Strength



Hitting 26% of ILEC End Offices in Florida

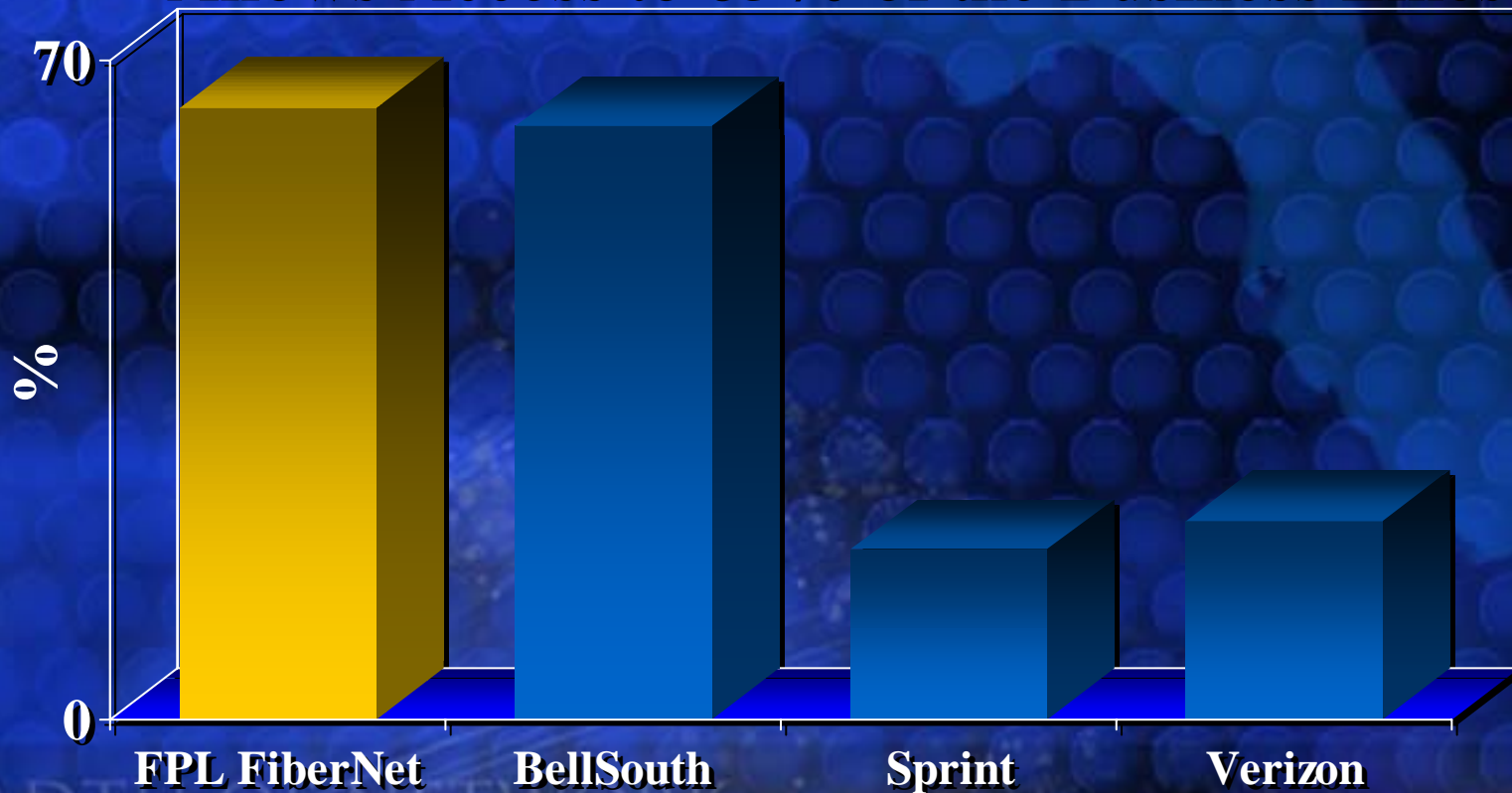


THE VALUE OF OUR NETWORK

Business Strength



Allows Access to **65%** of the Business Lines

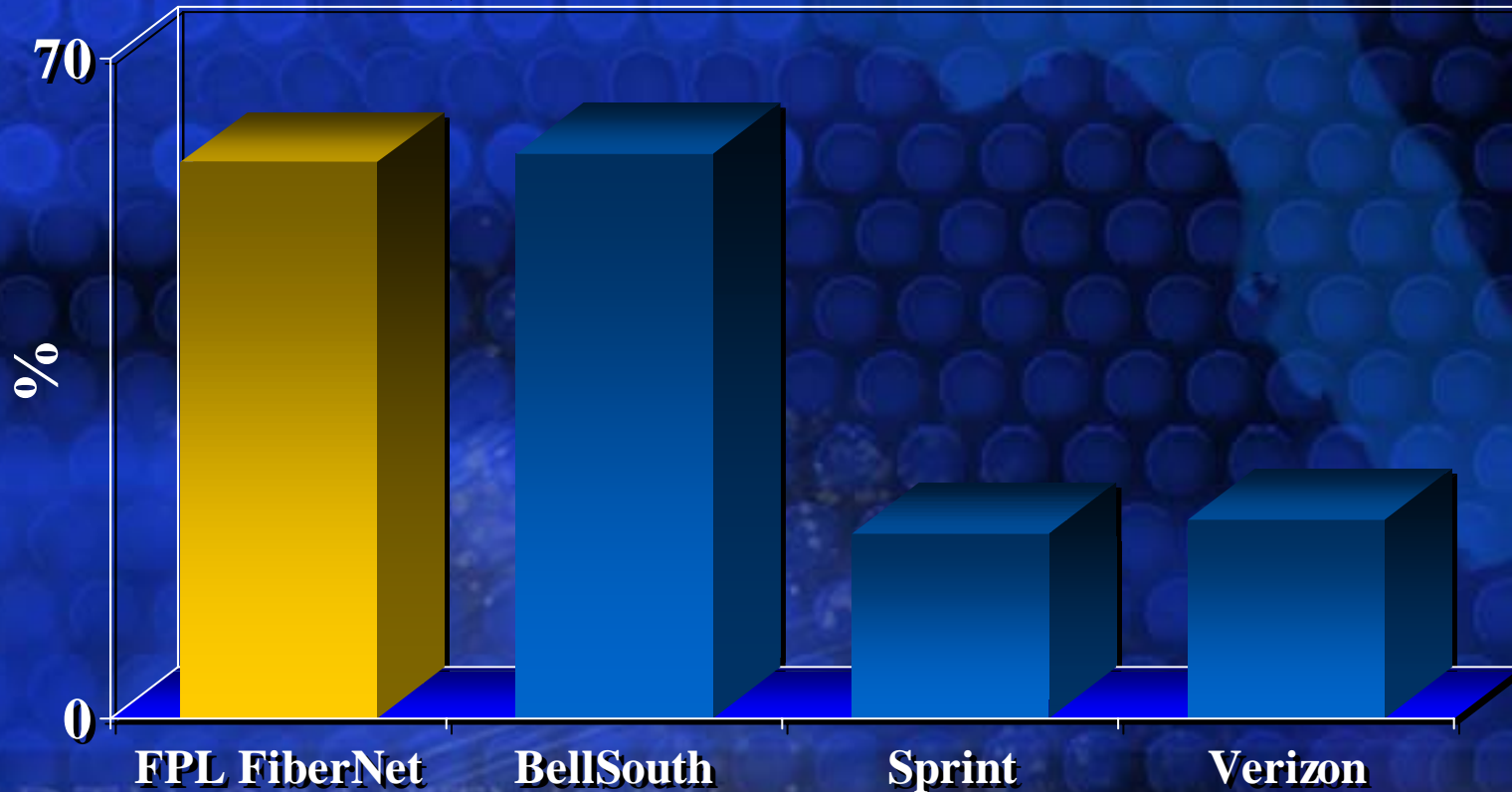


THE VALUE OF OUR NETWORK

Residential Strength

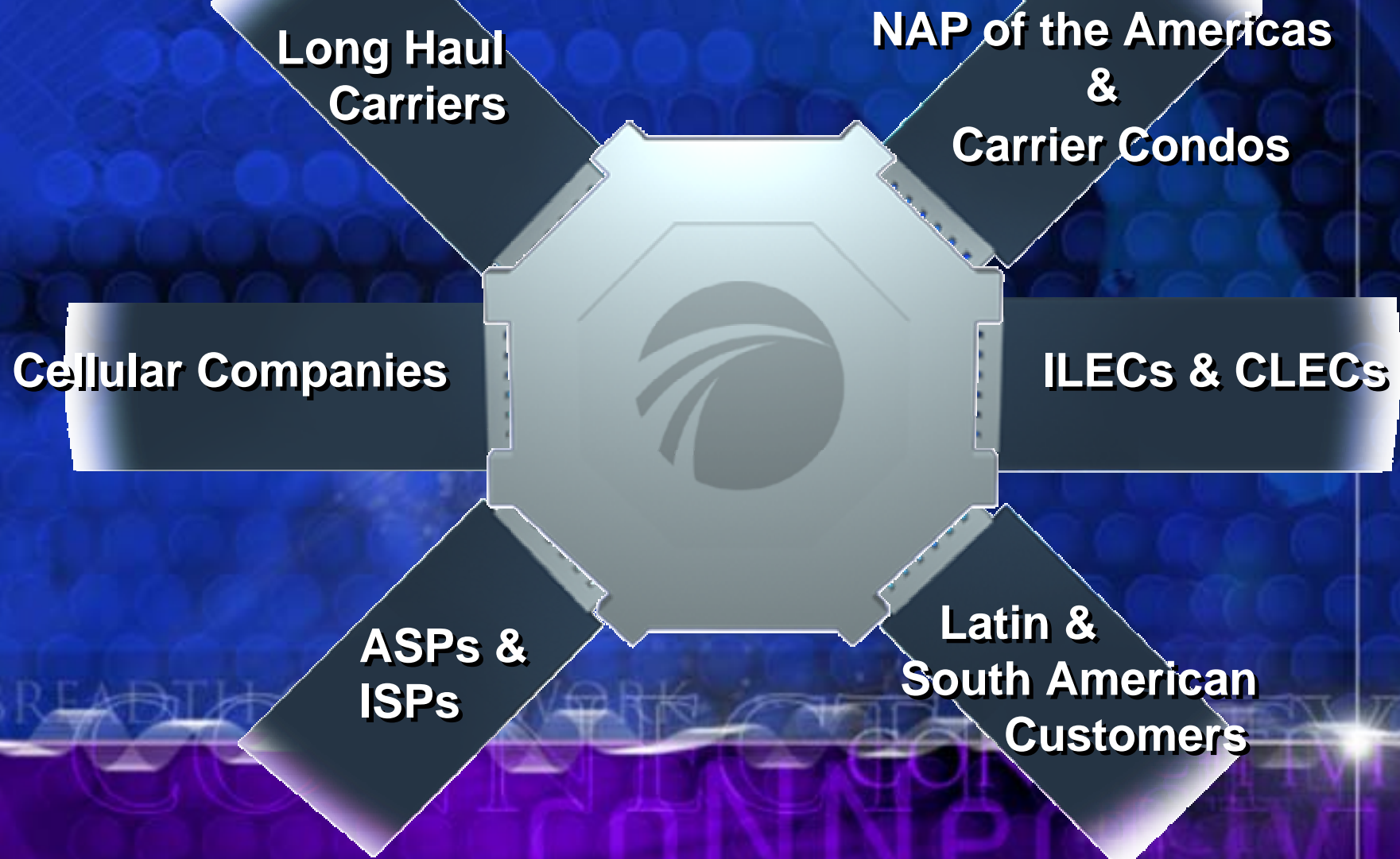


And 59% of Residential Access Lines



OUR VALUE PROPOSITION

We're the glue that connects



NETWORK RELIABILITY

FPL FiberNet

- 99.999% network reliability to serve critical operations including nuclear units
- 80% underground
- BellCore review
- Telecordia standards
- Hurricane experienced
- 216 or 432 count cables



Next Steps

- Expansion to new central offices (COs) via UNE dark fiber - COs that were uneconomical to construct
- Evaluating expansion beyond of the central office via UNE dark fiber to remote terminals (RTs)
 - Since the 1980s, BellSouth has deployed fiber rings to remote terminals
 - If UNE dark fiber is not available to RTs, no further expansion/fiber deployment will occur
 - FN will sell capacity via UNEs

Deny BellSouth Petitions

- Purpose of FCC rules should be to level the playing field for competitors
- Where the ILEC can extend or augment its existing network, but FPL FiberNet has to build a network from scratch, FPL FiberNet cannot justify that type of investment.